



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

1/11/2019 1:11:49 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-012

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia System of Support and Accountability (Policy 2322)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 02/11/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Kathy Hypes, Senior Administrator

ADDRESS: WVDE Office of District and School Advancement
Capitol Bldg. 6, Room 700, 1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: khypes@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 2322 represents a coherent and aligned set of expectations necessary to transform schools and counties into outcome focused, innovative, and accountable learning organizations that prepare all students for college and careers. This policy is a framework for school and district leaders to use as a strategic planning guide for continuous improvement

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The proposed revisions to Policy 2322 provide a system of accountability for continuous improvement that will build capacity in and ensure the efficiency and effectiveness of schools and counties to meet rigorous outcomes that assure high levels of student academic achievement and growth.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

William C Burch -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2322, West Virginia System of Support and Accountability
Executive Summary**

**West Virginia Department of Education
Support and Accountability / Office of District and School Advancement**

Policy Cycle: ☒ 30 day Comment Period ☐ Adoption of Policy

Policy Process: ☒ Revision ☐ Repeal and Replace ☐ New

Introduction: Policy 2322, West Virginia System of Support and Accountability, is being revised to:

1. include the accountability system for measuring annually a county's academic achievement, academic progress, school quality performance, and operational effectiveness.
2. include a school and county annual recognition program for academic achievement, academic progress, and school quality performance.
3. revise the Standards for WV High Quality Schools to align with current research on the qualities and characteristics of high performing schools.

Background:

Policy 2322 represents a coherent and aligned set of expectations necessary to transform schools and counties into outcome focused, innovative, and accountable learning organizations that prepare all students for college and careers. This policy is a framework for school and district leaders to use as a strategic planning guide for continuous improvement. This policy was last filed on June 15, 2018 and became effective on July 16, 2018.

Proposed Changes:

- **§126-12-4. WV Standards for High-quality Schools.** - The standards are revised to align with current research on the correlates of effective schools.
- **§126-12-5. West Virginia Accountability System.** No changes necessary within this section.
- **§126-12-6. Support and Accountability for Counties.** This is an addition to include the components and standards that each county board of education will be held accountable annually as part of the West Virginia Accountability System.
- **§126-12-7. School and County Recognition Programs.** This section identifies and defines the school and county recognition programs for student academic achievement, academic progress, and school quality performance and growth.
- **§126-12-8. Annual Public Reporting.** This section is being revised to include annual reporting of a county's academic and school quality performance. The WVAS scorecard will be utilized to inform state, district, and school level improvement efforts.

Impact: The proposed revisions to Policy 2322 provide a system of accountability for continuous improvement that will build capacity in and ensure the efficiency and effectiveness of schools and counties to meet rigorous outcomes that assure high levels of student academic achievement and growth.

Action:

- ☐ Release for _____ day public comment
- ☐ Approved by WVBE with effective date of ____/____/20____

Policy 2322 Policy Title
List of Stakeholders

West Virginia Department of Education

External Stakeholders

- Deb Akers, Superintendent, Mercer County Schools
- Carolyn Falin, Superintendent, McDowell County Schools
- Christine Hartline, Preschool Teacher, Kanawha County Schools
- Angela Mann, Principal Peterstown Middle, Monroe County Schools
- Melissa Maynard, Principal East Lynn Elementary, Wayne County Schools
- Jack McClanahan, Community Member, Putnam County
- Howard O’Cull, President, WV School Board Association
- Sandra Sheatsley, Director of Federal Programs, Raleigh County Schools
- Stephen Wotring, Superintendent, Preston County Schools

Internal stakeholders

- Michele Blatt, Assistant Superintendent, WVDE Division of Support & Accountability
- Charlene Coburn, Executive Director, WVDE Office of Leadership & System Support
- Matthew Hicks, Lead Coordinator, WVDE Office of District and School Advancement
- Oliver Ho, Coordinator, WVDE Office of Data Analysis & Research
- Kathy Hypes, Senior Administrator, WVDE Office of District and School Advancement
- Erika Klose, Coordinator, WVDE Office of Technology Integration & Support
- Melanie Purkey, Senior Administrator, WVDE Office of Federal Programs
- Debra Sullivan, Member, West Virginia Board of Education

126CSR12

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 12
WEST VIRGINIA SYSTEM OF SUPPORT AND ACCOUNTABILITY (2322)**

§126-12-1. General.

1.1. Scope. -- This rule establishes an accountability system for West Virginia public schools and counties that presents a coherent and aligned set of expectations necessary to transform schools and counties into outcome-focused, innovative, and accountable learning organizations that prepare all students.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2-5 and §18-2E-5.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This rule repeals and replaces W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability, filed June 15, 2018, and effective July 16, 2018.

§126-12-2. Purpose.

2.1. This policy serves as a framework for continuous school improvement that counties and schools can use as a guide for self-assessment, decision making, professional learning, and strategic planning.

2.2. This policy outlines the indicators by which each county and school's outcomes will be measured and reported annually through the statewide school accountability system.

§126-12-3. Summary.

3.1. W. Va. Code §18-2E-5 provides requirements for a system of accountability for continuous improvement of schools and counties that will build capacity and ensure the efficiency of schools and counties to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education.

§126-12-4. West Virginia Standards for High Quality Schools.

4.1. West Virginia Standards for High Quality Schools describe the seven common standards expected of schools to ensure high quality education in an engaging learning environment. The standards represent a coherent and aligned framework for continuous improvement which schools can use as a guide for self-assessment, decision making, professional development, and strategic planning.

4.1.a. Standard I: Cohesive Culture. The staff shares educational beliefs and values to establish a culture to positively impact student academic success.

4.1.a.1. Function A: Vision-Driven Mission. The staff works collaboratively around a set of shared educational beliefs and uses these to intentionally shape the school's mission and goals to improve student academic success and well-being.

4.1.a.2. Function B: Culture of Change. Staff behaviors challenge, stretch, and motivate positive school change that is sustainable. There is a common commitment to pursue excellence through collaboration and hard work.

4.1.b. Standard II: Climate of High Expectations. The staff accepts responsibility for student achievement and purposefully provides a positive climate. All adults emphasize a culture of learning and respect while providing quick, efficient, and effective supports to meet students' needs.

4.1.b.1. Function A: Positive Climate. The staff believes all students can and will obtain mastery of the state-approved content standards and believes in their own capacity to successfully teach all students.

4.1.b.2. Function B: High Expectations for All. The staff establishes high expectations for self, students, and families that are clearly communicated and readily observed in educational policy, practice, and personal behavior.

4.1.c. Standard III: Safe and Orderly Environment. The staff places student well-being at the forefront of all decisions and provides a comprehensive support framework, including positive teacher-student relationships. The staff consistently follows an agreed upon disciplinary plan to ensure the safety of all students.

4.1.c.1. Function A: Student Personal Development. The staff attends to all students' physical, social/emotional, and academic well-being through explicit learning opportunities as well as through coordinated student support services.

4.1.c.2. Function B: Families and Community Partnerships. The staff forms results-oriented partnerships with families and various community organizations to meet the needs of all students.

4.1.c.3. Function C: School Facilities. The school facility is well-maintained, clean, and secure.

4.1.d. Standard IV: School Leadership. The principal fosters distributed leadership among staff, students, family, and community stakeholders, as appropriate, to create a shared understanding and commitment to improved student academic success.

4.1.d.1. Function A: Principal Leadership. The principal exhibits the professional knowledge, skills, and dispositions that reflect strong instructional leadership, support for professional learning, and effective management.

4.1.d.2. Function B: Staff Leadership. The teachers are provided opportunities to lead and assume responsibility for the overall academic success and effective management of their classrooms and the school, both individually and through teams that effectively advance the mission and goals of the school.

4.1.d.3. Function C: Student Leadership. All students are empowered and engaged in age-appropriate leadership opportunities that develop self-direction and a sense of responsibility for improving self, school, and community.

4.1.e. Standard V: Standards-Focused Instruction and Assessments. The staff delivers prioritized, standards-focused, research-based instruction and provides appropriate assessments that support teaching and learning, enhance the unique qualities of each learner, and assure that all students attain the essential knowledge, skills, and dispositions necessary to be successful, life-long learners.

4.1.e.1. Function A: Classroom Learning Environment. Teachers create and manage inviting classroom environments that are student-centered and foster higher order thinking skills through student collaboration, reflection, intellectual inquiry, and self-direction.

4.1.e.2. Function B: Instructional Delivery. Teachers implement rigorous and engaging instructional experiences based on state-approved content standards and students' needs and interests, informed by student data results using appropriate formative and summative assessments. Teachers provide multiple strategies aligned to instructional targets, and timely and regular feedback to students and families that guide the teaching and learning process.

4.1.f. Standard VI: Professional Learning. The staff engages in continuous learning opportunities for professional growth designed to improve school and classroom practice.

4.1.f.1. Function A: Teacher Collaboration. Teachers participate in high functioning professional learning communities to improve students' learning through the analysis of teaching practice, student work, relevant data, and implementation of problem-solving strategies to improve instructional practice.

4.1.f.2. Function B: Evaluation, Feedback, and Support. The principal and staff participate in processes of evaluation that facilitate self-reflection and promote ownership of professional growth.

4.1.g. Standard VII: Continuous Improvement. The staff has a collective commitment to establish and implement a data-driven approach for improving student performance.

4.1.g.1. Function A: Processes and Structures. The principal and staff have well-defined structures and processes for building professional relationships and processes necessary to collaboratively engage all stakeholders in actions to increase student learning and well-being.

4.1.g.2. Function B: Monitoring for Results. The staff evaluates the results of student learning, implements adjustments to instructional practice, and monitors the results.

§126-12-5. West Virginia Accountability System (WVAS).

5.1. WVAS Indicators.

5.1.a. The WVAS is a comprehensive system of measurements that defines school-specific expectations for continuous improvement using academic achievement, academic progress, cohort graduation rates, progress toward English language proficiency (ELP), and student success (attendance, behavior, and college/career credit earning) indicators to guide and focus improvement and technical

assistance. The WVAS, as outlined below, meets all of the accountability requirements of the Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (ESSA) of 2015.

5.1.a.1. Academic Achievement. The academic achievement component of the WVAS includes summative proficiency data for all students in grades 3-8 and grade 11 using performance points in a progressive manner corresponding to the four proficiency levels reported on the state general and alternate assessments in English language arts (ELA) and mathematics as defined in W. Va. 126CSR14, Policy 2340, West Virginia Measures of Academic Progress.

5.1.a.2. Academic Progress. The academic progress component measures student progress using data that is available to inform instruction throughout the school year. Academic progress is a measure of student progress based on state benchmark assessments that are administered in grades 3-8 at the beginning of each school year in comparison to student performance on the general summative assessment at the end of each school year.

5.1.a.3. Graduation Rates. For high schools, the graduation rate component of the WVAS is the four-year cohort graduation rate and the five-year cohort graduation rate as two separate indicators.

5.1.a.4. Progress on ELP. The progress on ELP indicator is based on results of the ELP Assessment (ELPA21) for English learner (EL) students in grades 3-8 and grade 11. The indicator examines the progress of EL students in reaching an annual target across each of the four ELPA21 domains of listening, reading, speaking, and writing.

5.1.a.5. Student Success. The student success indicators focus on attendance, behavior, and college- and career-readiness within programmatic levels.

5.1.a.5.A. Elementary and middle school student success indicators include:

5.1.b.5.A.1. Attendance. The attendance indicator measures the percent of students attending 90 percent of the 180 required instructional days; and

5.1.b.5.A.2. Behavior. The behavior indicator measures the percentage of students who received zero out-of-school suspensions during the school year (excluding suspensions for Level 3 and Level 4 violations of W. Va. 126CSR99, Policy 4373, Expected Behaviors in Safe and Supportive Schools).

5.1.a.5.B. High school student success indicators include:

5.1.a.5.B.1. Attendance. The attendance indicator will measure the percent of students attending 90 percent of the enrolled instructional days;

5.1.a.5.B.2. On-track to Graduation. The on-track to graduation indicator measures the percentage of grade 10 students on-track for completing requirements for high school graduation by earning at least 12 credits cumulatively across their respective grade 9 and grade 10 years and earning at least two credits in each of the four primary content areas of ELA, mathematics, science, and social studies within their grade 9 and grade 10 years; and

5.1.b.5.B.3. College- and Career-Ready Indicators. College- and career-ready indicators measure the percentage of grade 12 students successfully completing one or more college readiness benchmarks via the Advanced Placement (AP) or International Baccalaureate (IB) program exams; completion of college-credit bearing or Advanced Career (AC) coursework with a grade of A, B, or C; or the four required courses in a state-approved Career Technical Education program of study.

5.2. Inclusion Requirements. To ensure that the WVAS makes a fair, reliable, and valid assessment of schools, various system requirements determine which students are used in calculations for school accountability scores.

5.2.a. Full Academic Year. Students who are enrolled in a school for at least 135 days are considered to be present for a full academic year (FAY). Only FAY students are included in accountability calculations for academic achievement, academic progress, progress toward ELP, and student success indicators.

5.2.b. Minimum Cell Size. In the WVAS, if there are at least 20 FAY students in a particular subgroup enrolled in the school, their results would be accountable.

5.3. School Programmatic Levels. Elementary, middle, or high school classification is determined by the highest grade level of accountability in a school, regardless of grade configuration.

5.4. Participation Rate. Participation rates ensure that all students are well represented when making school performance determinations. Each school will be required to meet a 95 percent participation rate for all FAY students and for each subgroup of students on the academic achievement, academic progress, and ELP accountability indicators. To reinforce this participation rate requirement, WVAS calculations for these indicators will utilize a denominator that represents 95 percent of enrolled FAY students, or the number of enrolled FAY students assessed, whichever is greater.

5.5. School Performance Levels. Through the WVAS, schools earn performance level designations for each individual indicator measure identified in §6.1. The West Virginia Board of Education (WVBE) will establish cut scores for the school performance level designations for each indicator and will review and revise as necessary. School performance level designations will be presented in a balanced scorecard representing performance on each individual indicator. The performance levels are:

5.5.a. Exceeds Standards. Schools with distinctive student performance on a specific WVAS indicator measure.

5.5.b. Meets Standards. Schools with acceptable student performance on a specific WVAS indicator measure.

5.5.c. Partially Meets Standards. Schools with student performance approaching the acceptable standard on a specific WVAS indicator measure.

5.5.d. Does Not Meet Standards. Schools with unacceptable student performance on a specific WVAS indicator measure.

§126-12-6. Support and Accountability for Counties.

6.1. Accountability, Advancement, and Accreditation. To ensure that each county board of education provides a thorough and efficient education for its students, the WVBE shall annually review information submitted for each county from the WVDE Office of District and School Advancement (ODSA). County status will be reviewed and determined based on multiple measures of student performance and county operational efficiency.

6.1.a. School accreditation shall be reviewed annually and determined in a balanced manner that gives fair credit to multiple measures affecting students and subgroups of students in the school. The accountability of schools will be measured by the academic achievement, academic progress, and success indicators reported annually on the West Virginia Schools Balanced Scorecard with each indicator designated by a performance level.

6.2. County Support and Advancement for Student Performance. The WVDE reports county performance annually based on an aggregate of each academic performance and success indicator identified in the WVAS. To improve school quality, provide technical assistance, and build capacity, counties will be identified for varying levels of support. Stages for county support and advancement are found in Chart 1.

CHART 1	
County Support and Advancement for Student Academic Achievement and Success	
Stage 1	
Trigger	Action
Any academic or student success indicator Not Meeting Standard and not meeting annual target, when applicable.	<ul style="list-style-type: none"> County leadership diagnoses and builds structures to facilitate countywide improvement for identified deficiencies. County revises strategic plan to address deficiencies. WVDE technical assistance is available. County and WVDE monitor progress.
Stage 2	
Trigger	Action
Any academic or student success indicator Not Meeting Standard and not meeting annual target, when applicable, for two consecutive years.	<ul style="list-style-type: none"> ODSA assists county leadership with analysis of data and identifies supports and resources needed for improvement. County revises strategic plan to address deficiencies. WVDE approves plan revisions. WVDE technical assistance is available. County and WVDE monitor progress.
Stage 3	
Trigger	Action
Three or more academic or student success indicators Not Meeting Standard and not meeting annual target, when applicable, for three or more consecutive years; OR an individual academic or student success indicator Not Meeting Standard and not meeting annual	<ul style="list-style-type: none"> County leadership, with assistance from WVDE, develops a 30-60-90-day plan. County and WVDE monitor progress. After plan implementation, WVDE makes recommendations to the WVBE which may include, but not limited to:

target, when applicable, for four or more consecutive years.	<ol style="list-style-type: none"> 1. acceptable progress, county continues improvement plan with support from the WVDE or external partners for a specified period of time. 2. lack of progress, possible nonapproval status. (See §7.5 and §7.6.)
--	---

6.3. County Operational Effectiveness: Indicators of Efficiency. The indicators of efficiency are developed for use by the appropriate divisions within the WVDE to ensure efficient management and use of resources in counties and schools. A county's operational effectiveness will be reported annually to the WVBE based on 10 indicators of efficiency. The county's performance under any given indicator, designated as meeting requirements or needing assistance, is the result of an evaluation of records, reports, and other documents on the quality of education and compliance with statutes, policies, and state-approved standards under each efficiency indicator. Indicators of efficiency are found in Chart 2.

CHART 2	
County Operational Effectiveness: Indicators of Efficiency	
Efficiency Standard	Summary
Career and Technical Education	The county designs and implements programs of study on the approved curriculum list that provide a wide range of high-quality post-secondary opportunities within a Simulated Workplace environment.
Child Nutrition	The county establishes, implements, and monitors policies and regulations that define requirements and criteria for a healthy school nutrition environment.
Facilities	The county operates schools efficiently and economically, and the number and location of schools serve the student population adequately.
Federal Programs	The county designs and implements supplemental programs designed to improve student achievement that are consistent with federal laws and regulations.
Finance	The county complies with various financial requirements to ensure that public and quasi-public funds are spent appropriately for allowable purposes.
Personnel	The county ensures that its employees are licensed with the appropriate certification/licensure so that students are provided with a high-quality and highly effective educator.
Special Education	The county ensures that all eligible students with exceptionalities are provide with a free appropriate public education (FAPE).
State Required Data Collections	The county verifies that all required data are entered into WVEIS in a timely and efficient manner and certified or verified in accordance with timelines established by the WVDE.
Transportation	The county evaluates the cost containment and effectiveness of the transportation services consistent with State laws and policies.
Universal Pre-K: School Readiness	The county provides high quality universal pre-k to all four-year-olds and eligible three-year-olds that is consistent with state laws and policies.

6.4. County Operational Effectiveness: Support and Advancement. Counties shall comply with state and federal requirements under each efficiency indicator. For counties identified as needing assistance, support and requirements. (See Chart 3.)

CHART 3 County Support and Advancement for Operational Effectiveness	
Trigger	Corrective Action
Any efficiency indicator identified as Needs Assistance in the annual county profile.	<ul style="list-style-type: none"> County leadership, with assistance from WVDE, develops a 30-60-90-day plan. County and WVDE monitor progress. After plan implementation, WVDE makes recommendations to the WVBE which may include, but not limited to: <ol style="list-style-type: none"> acceptable progress, county continues improvement plan with support from the WVDE or external partners for specified period of time. lack of progress, possible nonapproval status. (See §7.5 and §7.6.)

6.5. Extraordinary Circumstances: State of Emergency (W. Va. Code §18-2E-5). The WVBE may declare a state of emergency in a county when extraordinary circumstances exist, but do not rise to the level of immediate intervention. (See Chart 4.)

CHART 4 County Support and Advancement for State of Emergency	
Extraordinary Circumstances include, but are not limited to:	Corrective Action
<ul style="list-style-type: none"> misappropriation of funds or misuse of public funds; falsification of reports or failure to submit required reports; violation of W. Va. Code or WVBE policies that impact the provision of an appropriate educational program; unhealthy or unsafe conditions for students or employees; failure to provide high quality and equal educational opportunities for students; and deficiencies in leadership. 	<ol style="list-style-type: none"> The WVDE provides recommendations to the WVBE within 60 days to correct deficiencies. The WVBE shall review and approve if appropriate the corrective action plan for the county. Once approved, the county has six months to implement recommendations to correct circumstances. A county's lack of progress during the six-month period can lead to one or more of the following interventions: <ol style="list-style-type: none"> limit the authority of the county board of education, declare the office of the county superintendent is vacant, declare the positions of personnel who serve at the will and pleasure of the county superintendent are vacant, fill the declared vacancies during the period of intervention, and take any direct action necessary to correct the extraordinary circumstance.
County Approval Status.	
The WVBE may issue nonapproval status to a county board of education until acceptable progress is demonstrated.	

6.6. Extraordinary Circumstances: Immediate Intervention. (W. Va. Code §18-2E-5) The WVBE may intervene immediately in the operation of a county board of education when the determination is made that it is necessary to improve conditions. (See Chart 5.)

CHART 5 County and School Advancement for Immediate Intervention	
Conditions may include, but are not limited to:	Corrective Action
<ul style="list-style-type: none"> • a county fails to act on a statutory obligation which would interrupt the day-to-day operations of the county; • the conditions precedent to intervention exist and delaying the intervention would not be in the best interest of the students; and/or • the conditions precedent to intervention exist and the WVBE had previously intervened in the county and completed the intervention within the preceding five years. 	<p>WVBE will determine the required corrective action of the county board of education in accordance with W. Va. Code §18-2E-5. Interventions may include, but are not limited to:</p> <ol style="list-style-type: none"> limit the authority of the county board, declare the office of the county superintendent is vacant, declare the positions of personnel who serve at the will and pleasure of the county superintendent are vacant, fill the declared vacancies during the period of intervention, and take any direct action necessary to correct the extraordinary circumstance.
County Approval Status.	
<p>The WVBE will issue nonapproval status until acceptable progress is demonstrated.</p>	
Leadership Capacity.	
<p>1. When a county does not have the capacity to correct deficiencies, the WVBE shall:</p>	<ol style="list-style-type: none"> work with county board of education to develop and obtain the necessary resources in consultation with the Legislature and the Governor, or recommend to the appropriate body, including but not limited to, the Legislature, county boards of education, schools, and community, methods for targeting resources to eliminate deficiencies.
<p>2. To build the governance and leadership capacity of a county board of education during an intervention in the operation of its county:</p>	<ol style="list-style-type: none"> The county board of education shall establish goals and action plans. The plan shall include: an analysis of the training and professional learning activities needed by the county board of education and leadership of the county; support for the training activities identified; and active involvement by the county board of education and county superintendent in the improvement process. The State Superintendent of Schools shall maintain oversight of the county board of education on the development and implementation of the plan.
Period of Intervention.	
<p>Once per year.</p>	<ol style="list-style-type: none"> The WVDE will assess the readiness of the county board of education to accept return of control and sustain improvements.

	<ul style="list-style-type: none"> b. The WVDE will report any recommendations to the WVBE supported by evidence of the progress made on goals and action plans. c. The WVBE may return any portion of control of the operations for the school system.
At the end of five years.	<p>WVBE will determine if the county board of education is ready to accept return of control and sustain improvements. If not, the WVBE:</p> <ul style="list-style-type: none"> a. shall hold a public hearing in the affected county, b. may continue intervention only after public hearing, and c. may require an additional revision of goals and action plan.
Beyond five years.	The WVBE must hold a public hearing after each annual assessment beyond the fifth year.
Termination of Intervention.	
Support from the WVDE and WVBE shall continue as needed for up to three years.	

6.7. Special Circumstance Reviews. The WVDE will conduct special circumstance reviews of counties and schools at the specific direction of the WVBE upon its determination that circumstances exist that warrant such reviews. The WVDE will complete on-site reviews and manage processes according to the unique circumstances of each special review. Any discussion by the WVBE of counties and schools to be subject to a special circumstance review or date for which such reviews will be conducted may be held in executive session and are not subject to the provision of W. Va. Code §6-9A-10 relating to open governmental meetings.

6.8. A county board of education may request in writing to the State Superintendent of Schools and the WVBE for a special circumstance review. The request must include the specific circumstance that warrants such a review.

6.9. Process for Special Circumstance Reviews. A special on-site review is conducted by WVDE of a county or school for the purpose of making recommendation to the county and school, as appropriate, and to the WVBE on such measures as it considers necessary.

6.9.a. The on-site review may include, but not limited to, the following:

6.9.a.1. verifying data reported by the county or school;

6.9.a.2. examining compliance with the laws and policies affecting student, school and county performance and progress;

6.9.a.3. investigating official complaints submitted to the WVBE that allege serious impairments in the quality of education in counties or schools;

6.9.a.4. investigating official complaints submitted to the WVBE that allege a county or school is in violation of policies or laws; or

6.9.a.5. examining county board of education intervention, support, and capacity building at the county and school when such local actions have failed to cause acceptable increases in student performance as measured by the WVAS.

6.9.b. Notification of On-site Review.

6.9.b.1. WVDE notifies the county superintendent of schools five days prior to commencing a special review of the county and notifies both the county superintendent and the principal five school days prior to the review of an individual school.

6.9.b.2. The WVBE may direct the WVDE to conduct an unannounced on-site review of a school or county if the WVBE believes circumstances warrant an unannounced on-site review.

6.9.c. Exit Conference. At the conclusion of a special on-site review of a county or a school, the WVDE will hold an exit conference. The purpose of an exit conference is to review the initial findings of the special circumstance review, clarify and correct any inaccuracies, and promote better understanding of the findings.

6.9.c.1. County Review. WVDE will hold an exit with the superintendent and county board of education president or designee.

6.9.c.2. School Review. WVDE will hold an exit review with the county superintendent, county board of education president or designee, principal, and other school and county personnel as directed by the superintendent.

6.9.d. Reporting. The WVDE will report any findings and recommendations to the WVBE within 45 days of the on-site review. Final reports will be provided to the county superintendent and county board of education president following report acceptance by the WVBE. A copy of the final report will be provided to the principal when a school was part of the special circumstance review.

§126-12-7. School and County Recognition Programs.

7.1. The West Virginia Distinguished Schools Recognition Program. The West Virginia Distinguished Schools Program annually recognizes elementary, middle, and high schools for student academic and school quality performance and growth. Eligible schools and counties are selected in the following categories:

7.1.a. Category 1: Student Performance and Growth. Schools and counties will be recognized for exceeding state-approved content standards in academic achievement, academic progress, and student success indicators identified on the West Virginia Schools Balanced Scorecard.

7.1.b. Category 2: Equity Across Student Groups. Schools and counties will be recognized for closing the achievement gap between the student subgroups in the areas of academic achievement and growth and student success indicators using the West Virginia Schools Balanced Scorecard.

7.1.c. Category 3: Pre-k-2 Schools. Pre-k-2 schools will be recognized for exceeding standard in attendance based on their current enrollment. Pre-k-2 schools will also be recognized for exceeding

state-approved content standards in academic achievement and academic progress based on third grade performance in the recipient school.

7.2. Other School Recognition Programs.

7.2.a. National Blue Ribbon Schools. The U.S. Department of Education (ED) National Blue Ribbon Schools Program recognizes public and private elementary, middle, and high schools based on their overall academic excellence or progress in closing achievement gaps among student subgroups. Every year the ED seeks out and celebrates great American schools, schools demonstrating that all students can achieve to high levels.

7.2.b. Title I Distinguished Schools. The National Title I Distinguished Schools Program recognizes superior Title I schools which demonstrate a wide array of strengths, including team approaches to teaching and learning, focused professional development opportunities for staff, individualized programs for student success and strong partnerships between the school, parents and the community. Schools are selected by the state and must qualify under one of the following categories:

7.2.b.1. Category 1: Exceptional student performance for two or more consecutive years;

7.2.b.2. Category 2: Closing the achievement gap between student groups; or

7.2.b.3. Category 3: Excellence in serving special populations of students (e.g. homeless, foster care, migrant, EL, etc.).

7.2.c. West Virginia Sustainable School. The West Virginia Sustainable School (WVSS) award program recognizes schools that exemplify a commitment to sustainable practices in the facilities and integrate those practices into the curriculum and community. The program recognizes schools where staff, students, officials, and communities work together to produce energy efficient, sustainable, and healthy school environments ensuring environmental literacy of graduates. Schools which receive the WVSS award may be nominated for consideration as an ED Green Ribbon School.

7.2.c.1. National Green Ribbon Schools. The ED Green Ribbon School program recognizes schools that save energy, reduce costs, feature environmentally sustainable learning spaces, protect health, foster wellness, and offer sustainability education to boost academic achievement and community engagement.

§126-12-8. Annual Reporting.

8.1. State-level Reporting. The WVDE shall calculate school and county performance on each indicator listed in WVAS and publicly report the results through the West Virginia Schools Balanced Scorecard outlining performance of each indicator. Results will be displayed for the state, county, and school level in an online format.

8.1.a. The WVDE shall provide an annual report on Education Accountability to the county boards of education, the WVBE, the Governor, and the Legislative Oversight Commission on Education Accountability.

8.2. County-level Reporting. Each county shall publicly report county and school results of the West Virginia Schools Balanced Scorecard in an online format.

§126-12-9. Severability.

9.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

**W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability
Comment Response Form**

Comment Period Ends: February 11, 2019

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2322, West Virginia System of Support and Accountability**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-12-1. General.
§126-12-2. Purpose.
§126-12-3. Summary.
§126-12-4. West Virginia Standards for High Quality Schools.
§126-12-5. West Virginia Accountability System (WVAS).
§126-12-6. Support and Accountability for Counties.

**W. Va. 126CSR12, Policy 2322, West Virginia System of Support and Accountability
Comment Response Form**

§126-12-7. School and County Recognition Programs.
§126-12-8. Annual Reporting.
§126-12-9. Severability.
If you have an incorporated by reference section, standards, please include the title of those standards here otherwise you will need to include comment boxes for each section.

Please direct all comments to:

Kathy Hypes, Senior Administrator
Office of District and School Advancement
West Virginia Department of Education
Capitol Building 6, Room 700.
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: khypes@k12.wv.us
Fax No.: 304.558-0200, ext. 53107